

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOLANY PADILLA, IBIS GUZMAN, BLANCA ORANTES, BALTAZAR VASQUEZ,
Plaintiffs-Petitioners,

No. 2:18-cv-928 MJP

V.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”); U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”); U.S. CUSTOMS AND BORDER PROTECTION (“CBP”); U.S. CITIZENSHIP AND IMMIGRATION SERVICES (“USCIS”); EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (“EOIR”); THOMAS HOMAN, Acting Director of ICE; KIRSTJEN NIELSEN, Secretary of DHS; KEVIN K. McALEENAN, Acting Commissioner of CBP; L. FRANCIS CISSNA, Director of USCIS; MARC J. MOORE, Seattle Field Office Director, ICE, WILLIAM P. BARR, United States Attorney General; LOWELL CLARK, warden of the Northwest Detention Center in Tacoma, Washington; CHARLES INGRAM, warden of the Federal Detention Center in SeaTac, Washington; DAVID SHINN, warden of the Federal Correctional Institute in Victorville, California; JAMES JANECKA, warden of the Adelanto Detention Facility;

Defendants-Respondents.

**JOINT STIPULATION
AND [PROPOSED]
ORDER REGARDING
BRIEFING SCHEDULE
FOR DEFENDANTS'
FORTHCOMING
MOTION TO VACATE**

**NOTE ON MOTION
CALENDAR: APRIL 22, 2018.**

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiffs and Defendants hereby stipulate and jointly move the Court for an Order setting forth the below briefing schedule for Defendants' forthcoming motion to vacate the preliminary injunction, and also jointly move the Court for an Order staying the enforcement of the preliminary injunction until May 31, 2019.

Defendants will be moving to vacate this Court's April 5, 2019, preliminary injunction in light of the Attorney General's decision in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), which overruled *Matter of X-K-*, 23 I&N Dec. 731 (BIA 2005). In order to resolve the impact of this

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1 decision on the preliminary injunction as expeditiously as possible, the parties have met and
2 conferred and agreed upon the following briefing schedule.

3 April 26, 2019: Deadline for Defendants' Motion to Vacate

4 May 10, 2019: Deadline for Plaintiffs' Opposition to Defendants' Motion to Vacate

5 May 15, 2019: Deadline for Defendants' reply in support of their Motion to Vacate

6 Given the complex issues that the parties anticipate briefing, the parties also stipulate to a
7 page limit of 24 pages for Defendants' Motion and Plaintiffs' Opposition, and 12 pages for
8 Defendants' reply.

9 The parties also stipulate to a stay of the enforcement of the preliminary injunction until
10 May 31, 2019, in order to resolve the impact of *Matter of M-S-* before the injunction goes into
11 effect. To that effect, the parties respectfully request that this Court rule on the Motion to Vacate
12 on or by May 31, 2019.¹

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26 ¹ Defendants reserve the right to move for an emergency stay if the Court has not ruled on the
Motion to Vacate.

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1 RESPECTFULLY SUBMITTED this April 19, 2019.

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1 **[PROPOSED] ORDER**

2 Based on the foregoing stipulation of the parties, IT IS SO ORDERED. The following
3 deadlines govern Defendants' forthcoming Motion to Vacate:

4 April 26, 2019: Deadline for Defendants' Motion to Vacate

5 May 10, 2019: Deadline for Plaintiffs' Opposition to Defendants' Motion to Vacate

6 May 15, 2019: Deadline for Defendants' reply in support of their Motion to Vacate

7 Compliance with the Preliminary Injunction entered on April 5, 2019, is hereby STAYED
8 until May 31, 2019.

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10 DATED this _____ day of _____, 2019.

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14 THE HONORABLE MARSHA J. PECHMAN
15 UNITED STATES DISTRICT JUDGE

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on April 22, 2019, I had the foregoing electronically filed with the
3 Clerk of the Court using the CM/ECF system, which will send notification of such filing to those
4 attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in
5 accordance with the Federal Rules of Civil Procedure.

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7
8 */s/ Lauren C. Bingham*
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